

ESTTA Tracking number: **ESTTA591377**Filing date: **03/07/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	The Laricchia Group, Inc.		
Entity	Corporation	Citizenship	Nevada
Address	7645 S. Rainbow Blvd. Suite 101 Las Vegas, NV 89139 UNITED STATES		

Attorney information	Jeffrey B. Sladkus, Esq. The Sladkus Law Group 1827 Powers Ferry Road Building 6, Suite 200 Atlanta, GA 30339 UNITED STATES jeff@sladlaw.com Phone:404-252-0900
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Registration Subject to Cancellation

Registration No	1959304	Registration date	02/27/1996
Registrant	ORIGINS NATURAL RESOURCES INC. 767 Fifth Avenue New York, NY 10153 GERMANY		

Goods/Services Subject to Cancellation

Class 003. First Use: 1995/08/00 First Use In Commerce: 1995/08/00 All goods and services in the class are cancelled, namely: skin care preparation, namely body oil

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	BIRTHDAY SUIT - Statement of Grounds for Cancellation v2 0.pdf(18170 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jeffrey B. Sladkus/
Name	Jeffrey B. Sladkus, Esq.
Date	03/07/2014

STATEMENT OF GROUNDS

Plaintiff The Laricchia Group, Inc. (“Plaintiff”) is being damaged by the registration of the mark shown in the above-identified registration owned by Origins Natural Resources, Inc. (“Defendant”), and hereby petitions to cancel the registration.

The grounds for cancellation are as follows:

1. Plaintiff sells skin care products and spa services under the mark THE BIRTHDAY SUIT.
2. On October 23, 2013, Plaintiff filed an application to register THE BIRTHDAY SUIT for its skin care products and spa services. The application was assigned serial number 86/099183.
3. On February 7, 2014, the U.S. Trademark Office refused registration of Plaintiff’s THE BIRTHDAY SUIT mark under Section 2(d) of the Lanham Act, finding that it was likely to cause confusion with Defendant’s registered BIRTHDAY SUIT mark for “skin care preparation, namely body oil.”
4. On information and belief, Defendant is no longer using the mark BIRTHDAY SUIT.
5. After a reasonable opportunity for further investigation and discovery, it is likely the evidence will show that Defendant has abandoned its BIRTHDAY SUIT mark due to nonuse and has no intent to resume use of the mark.
6. If, as the trademark examining attorney contends, Defendant’s registered BIRTHDAY SUIT mark so resembles Plaintiff’s THE BIRTHDAY SUIT mark as to be likely, when applied to the goods and/or services of the Plaintiff, to cause confusion, then Plaintiff will be damaged by the continued registration of Defendant’s mark.

7. Defendant's registration should be canceled because Defendant has abandoned its mark.

WHEREFORE, Plaintiff requests that its petition to cancel trademark registration number 1959304 be GRANTED.